



EUROPEAN COMMISSION

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2011/0231 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

An EU approach already exists for aromatised wine products and is justified in order to facilitate the free circulation of goods on the single market and to protect geographical indications which allow the identification by the consumer of specific products having characteristics attributable to the geographical origin. A legal framework for aromatised wine products, which sets out product definitions and labelling rules directly affects the producers of such products and, to a lesser extent, the consumers via the labelling rules.

This proposal replaces Commission proposal COM(2007)848 which the Commission decided to withdraw in the 2011 Commission Work Programme, see COM(2010)623, 27/10/2010, Annex IV, which has been communicated to the other institutions.

The proposal simplifies the existing rules by introducing limited changes to improve the readability and clarity of the rules. In particular, it adapts the definitions used to the technical evolution and puts the existing rules on geographical indications in line with the Trade-Related Aspects of Intellectual Property Rights agreement (TRIPs agreement). One purpose is also the alignment with the Treaty on the Functioning of the European Union (TFEU). The proposal does not change the scope of the existing rules for the sector, and has no significant impact as it corresponds to an adaptation to obligations already taken on by the Union. The main European producers and national organisations were consulted informally and did not expect significant impacts. A consensus exists among the producers of aromatised wine products to keep the same framework and similar rules; only minor technical adjustments seem to be necessary. Those were communicated to the Commission services by the representatives of the sector. For this reason, no further impact assessment was carried out.

### **2. ALIGNMENT WITH THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION.**

Articles 290 and 291 of the Treaty on the Functioning of the European Union distinguish two different types of Commission acts:

Article 290 of the TFUE allows the legislator to delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. Legal acts adopted by the Commission in this way are referred to in the terminology used by the Treaty as "delegated acts" (Article 290(3)).

Article 291 of the TFUE allows Member States to adopt all measures of national law necessary to implement legally binding Union acts. Those acts can confer implementing powers on the Commission where uniform conditions for implementing them are needed. Legal acts adopted by the Commission in this way are referred to in the terminology used by the Treaty as "implementing acts" (Article 291(4))

A main objective of the present proposal consists in aligning Council Regulation (EEC) N° 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (OJ L 149, 14.6.1991, p. 1) with those provisions of the TFEU.

Under the present proposal, the objectives and principles and other essential elements regarding the definition, the description, the presentation, the labelling and the protection of geographical indications of aromatised wine products are determined by the Legislator.

The Commission should be able to adopt, by means of a delegated act, the production processes (Article 3(2)), the methods of analysis (Article 3(3)), the necessary amendments of the definitions, the requirements, the restrictions, the sales denominations and the descriptions (Article 9), the necessary rules for the geographical indications (Article 29) and the necessary rules for exchange of information (Article 33(2)).

Furthermore, the Legislator should grant the Commission the power to adopt implementing acts, in accordance with Article 291(2) of the Treaty, specifically with regard to the uniform application of the rules on aromatised wine products related to geographical indications (Articles 15(3), 17, 25, 26, 27 and 30), to administrative and physical checks (Article 32(2)) and to exchange of information (Article 33)

### **3. SUBSTANTIVE AMENDMENTS**

The other main objectives pursued are the following:

- Enhance applicability, readability and clarity of the Union legislation on aromatised wine products.
- Introduce a well defined quality policy for aromatised wine products based on the present definitions of products.
- Update certain sales denominations, in the light of the possibility to increase the level of wine instead of directly adding alcohol, and so ensuring that the consumer is properly informed.
- Introduce flexibility by shifting the competence to amend the definitions and descriptions of aromatised wine products from the present co-decision procedure of the European Parliament and Council, to the Commission by means of delegated acts.
- Adaptation of the Union rules to new technical requirements.
- Adaptation of the Union rules to WTO requirements, including the TRIPs Agreement.
- Definition of criteria guiding recognition of new geographical indications.

### **4. STRUCTURE OF THE DRAFT REGULATION:**

The draft Regulation on aromatised wine products consists of 4 Chapters and 3 Annexes:

Chapter I lays down the basic definition and classification of aromatised wine products.

Chapter II deals with the description, presentation and labelling of aromatised wine products.

It refers to the requirements and restrictions laid down in Annexes I and II, and delegates to the Commission the establishment of further authorised production processes. It refers to international methods of analyses for the analyses of aromatised wine products.

It also establishes specific labelling rules for those products.

Chapter II establishes, by referring to Annexes I and II, a coherent system based on traditional quality practices and new developments as regards the quality of products. It aims at providing clear information to the consumer on the nature of products (sales denominations) and obliges the producer to provide all information necessary to avoid that the consumer is misled.

Chapter III lays down the rules on geographical indications in accordance with the international obligations of the EU.

The geographical indications presently listed in Regulation No 1601/91 are transferred to the register which is established pursuant to Article 22 of the present Regulation. Chapter III foresees that technical files for these indications shall be published within 2 years from the entry into force of the Regulation.

In Chapter IV, General, Transitional and Final Measures are set out.

Annex I includes the technical definitions and requirements for the production of aromatised wine products.

Annex II includes the sales denominations and associated description of aromatised wine products.

A correlation table is established in Annex III.

The proposal has no financial implications for the Union budget.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) and Article 114 thereof,

Having regard to the proposal from the European Commission<sup>1</sup>,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure<sup>3</sup>,

Whereas:

- (1) Council Regulation (EEC) N° 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails<sup>4</sup> and Commission Regulation (EC) No 122/94 of 25 January 1994 laying down certain detailed rules for the application of Council Regulation (EEC) No 1601/91<sup>5</sup> have proved successful in regulating the aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails, hereinafter called «aromatised wine products». However, in the light of technologic innovation, market developments and evolving consumer expectations it is necessary to update the rules applicable to the definition, description, presentation, labelling and protection of geographical indications of certain aromatised wine products, while taking into account traditional production methods.
- (2) Further amendments are needed as a consequence of the entry into force of the Lisbon Treaty, in order to align the powers conferred upon the Commission pursuant Regulation (EEC) N° 1601/91 to Articles 290 and 291 of the Treaty on the Functioning of the European Union (the Treaty). In view of the scope of those amendments, it is appropriate to repeal Regulation (EEC) No 1601/91 and to replace it with a new text. Regulation (EC) No 122/94 introduced rules on flavouring and

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<sup>1</sup> OJ C [...], [...], p. [...]

<sup>2</sup> OJ C [...], [...], p. [...]

<sup>3</sup> OJ C [...], [...], p. [...]

<sup>4</sup> OJ L 149, 14.6.1991, p. 1.

<sup>5</sup> OJ L 21, 26.1.1994, p.7.

addition of alcohol applicable to some aromatised wine products; to ensure clarity, they should be incorporated in this new text.

- (3) Aromatised wine products are important for consumers, producers and the agricultural sector in the Union. The measures applicable to aromatised wine products should contribute to the attainment of a high level of consumer protection, the prevention of deceptive practices and the attainment of market transparency and fair competition. By doing so, the measures will safeguard the reputation that Union's aromatised wine products have achieved in the internal market and on the world market by continuing to take into account the traditional practices used in the production of aromatised wine products as well as increased demand for consumer protection and information. Technological innovation should also be taken into account in respect of the products for which such innovation serves to improve quality, without affecting the traditional character of the aromatised wine products concerned.
- (4) The production of aromatised wine products constitutes a major outlet for the agricultural sector of the Union, which should be emphasised by the regulatory framework.
- (5) In the interest of consumers, this Regulation should apply to all aromatised wine products marketed in the Union, whether produced in the Member States or in third countries. In order to maintain and improve the reputation of Union's aromatised wine products on the world market, the rules provided for in this Regulation should also apply to such drinks produced in the Union for export.
- (6) To ensure clarity and transparency in the legislation governing aromatised wine products, it is necessary to clearly define the products covered by that legislation, the criteria for the production, description, presentation and labelling of aromatised wine products and in particular, the sales denomination and the indication of the provenance. By laying down such rules, all stages in the production chain are regulated and consumers are protected and properly informed.
- (7) The definitions of aromatised wine products should continue to respect traditional quality practices but should be updated and improved in the light of technological developments.
- (8) Aromatised wine products should be produced in accordance with certain rules and restrictions, which guarantee that consumer expectations as regards quality and production methods are met. In order to meet the international standards in this field, the production methods should be established and the Commission should as a general rule base itself on those recommended and published by the International Organisation of Wine and Vine (OIV).
- (9) Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives<sup>6</sup> and Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and

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<sup>6</sup> OJ L 354, 31.12.2008, p. 16

certain food ingredients with flavouring properties for use in and on foods<sup>7</sup> should apply to aromatised wine products.

- (10) Moreover, the ethyl alcohol used for the production of aromatised wine products should be exclusively of agricultural origin, so as to meet consumer expectations and conform to traditional quality practices. This will also ensure an outlet for basic agricultural products.
- (11) Given the importance and complexity of the aromatised wine products sector, it is appropriate to lay down specific measures on the description and presentation of aromatised wine products supplementing the Union legislation on labelling. Those specific measures should also prevent that the sales denominations of aromatised wine products are misused compared to products which do not meet the requirements set out in this Regulation.
- (12) In conformity with the Treaty, in applying a quality policy and in order to allow a high level of quality of aromatised wine products with a geographical indication, Member States should be able to adopt stricter rules than those laid down in this Regulation on the production, description, presentation and labelling of aromatised wine products with a geographical indication, produced in their own territory.
- (13) Given that Regulation No XXXX/20YY of the European Parliament and of the Council of .... on agricultural product quality schemes [COM(2010)733 final]<sup>8</sup>, Regulation No XXXX/20YY of the European Parliament and of the Council [COM(2010)799 final] of establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)<sup>9</sup> and Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89<sup>10</sup>, do not apply to aromatised wine products, specific rules on protection of geographical indications for aromatised wine products should be laid down. Geographical indications should be used to identify aromatised wine products as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the aromatised wine product is essentially attributable to its geographical origin and should be registered by the Commission.
- (14) A procedure for the registration, compliance, alteration and possible cancellation of third country and Union geographical indications should be laid down in this Regulation.
- (15) Member State authorities should be responsible for ensuring compliance with this Regulation, and arrangements should be made for the Commission to be able to monitor and verify such compliance.

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<sup>7</sup> OJ L 354, 31.12.2008, p.34

<sup>8</sup> OJ L [...], [...], p. [...]

<sup>9</sup> OJ L [...], [...], p. [...]

<sup>10</sup> OJ L 39, 13.2.2008, p. 16

- (16) In order to adapt the requirements of this Regulation to technical developments regarding aromatised wine products and to ensure the protection of geographical indications, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the matters specified in this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level.
- (17) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (18) In order to ensure uniform conditions for the implementation of this Regulation and in order to avoid distortions of competition or discrimination between operators in the sector of aromatised wine products, implementing powers should be conferred on the Commission in accordance with Article 291(2) of the Treaty. Save where explicitly provided otherwise, the Commission should exercise those powers in accordance with the provisions of Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>11</sup>.
- (19) The transition from the rules provided for in Regulation (EEC) No 1601/91 to those laid down in this Regulation could give rise to difficulties which are not dealt with in this Regulation. For that purpose, the Commission should be empowered to adopt the necessary measures.
- (20) To facilitate a smooth transition from the rules provided for in Regulation (EEC) No 1601/91 to the rules laid down in this Regulation, this Regulation should apply two years after its entry into force. The marketing of existing stocks should be allowed after the application of this Regulation, until those stocks are exhausted,

HAVE ADOPTED THIS REGULATION:

## **CHAPTER I**

### **SCOPE, DEFINITION AND CLASSIFICATION OF AROMATISED WINE PRODUCTS**

#### *Article 1* *Subject matter and scope*

1. This Regulation lays down rules on the definition, description, presentation and labelling of aromatised wine products as well as on the protection of geographical indications of aromatised wine products.

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<sup>11</sup> OJ L 55, 28.2.2011, p.13.

2. This Regulation shall apply to all aromatised wine products placed on the market in the European Union whether produced in the Member States or in third countries, as well as to those produced in the Union for export.

*Article 2*  
*Definition*

For the purpose of this Regulation the following definitions shall apply:

- (1) "Aromatised wine products": means products obtained from products of the wine sector as referred to in Regulation (EU) No [XXXX/20XX.COM(2010) 799 final *aligned sCMO*], and which have been flavoured. They are classified as follows:
- (a) aromatised wines,
  - (b) aromatised wine-based drinks,
  - (c) aromatised wine-product cocktails.
- (2) "Aromatised wine" means a drink:
- (a) obtained from one or more of the wine products defined in point 5 of Part IV of Annex III to Regulation (EU) No [XXXX/20XX.COM(2010) 799 final, *aligned sCMO*] and in points 1 and 3 to 9 of Part II of Annex XII to the same Regulation, except for 'Retsina' wine;
  - (b) in which the wine products referred to in point (a) shall represent at least 75 % of the total volume;
  - (c) to which grape must and/or grape must in fermentation may have been added;
  - (d) which has a minimum actual alcoholic strength by volume of 14,5 % vol. and a maximum actual alcoholic strength by volume of less than 22 % vol. and a minimum total alcoholic strength by volume of 17,5 % vol.
- (3) "Aromatised wine-based drink" means a drink:
- (a) obtained from one or more of the wine products defined in points 1, 2 and 4 to 9 of Part II of Annex XII to Regulation (EU) No [XXXX/20XX.COM(2010) 799 final, *aligned sCMO*], except for wines produced with the addition of alcohol and for 'Retsina' wine;
  - (b) in which the wine products referred to in point (a) shall represent at least 50 % of the total volume;
  - (c) to which grape must may have been added;
  - (d) which has a minimum alcoholic strength by volume of 4,5 % vol. and a maximum actual alcoholic strength by volume of less than 14,5 % vol.
- (4) "Aromatised wine-product cocktail" means a drink:

- (a) obtained from one or more of the grapevine products defined in points 1, 2 and 4 to 11 of Part II of Annex XII to Regulation (EU) No [XXXX/20XX..COM(2010) 799 final, *aligned sCMO*], except for wines produced with the addition of alcohol and for 'Retsina' wine;
- (b) in which the grapevine products referred to in point (a) shall represent at least 50 % of the total volume;
- (d) to which no alcohol has been added;
- (e) which has a minimum actual alcoholic strength by volume of 1,2 % vol. and a maximum actual alcoholic strength by volume of less than 10 % vol..

## **CHAPTER II**

### **DESCRIPTION, PRESENTATION AND LABELLING OF AROMATISED WINE PRODUCTS**

#### *Article 3*

##### *Production processes and methods of analysis for aromatised wine products*

1. Aromatised wine products shall be produced in accordance with the requirements, restrictions and descriptions laid down in Annexes I and II.
2. In order to take account of consumers' expectations and to meet the international standards applicable to the field covered by this Regulation, the Commission may, by means of delegated acts, establish the processes for products being prepared for the purpose of obtaining aromatised wine products.

In establishing the authorised processes as referred to in the first subparagraph, the Commission shall base itself on the processes recommended and published by the International Organisation of Wine and Vine (OIV).

3. The methods of analysis for determining the composition of the aromatised wine products and the rules whereby it may be established whether those products have undergone processes contrary to the authorised production processes shall be those recommended and published by the OIV.

Where there are no methods and rules recommended and published by the OIV, the Commission may, by means of delegated acts, adopt the corresponding methods and rules .

Pending the adoption of such methods and rules, the methods and rules allowed by the Member State concerned shall be used.

*Article 4*  
*Sales denominations*

1. The sales denominations for aromatised wine products as provided for in Annex II shall be used in the Union. Those denominations may be used only for the marketing of aromatised wine products which comply with the requirements laid down in that Annex for the corresponding sales denomination.
2. Aromatised wine products which comply with the requirements of more than one sales denomination may use only one corresponding sales denomination.
3. An alcoholic beverage not fulfilling the requirements laid down in this Regulation shall not be described, presented or labelled by associating words or phrases such as "like", "type", "style", "made", "flavour" or any other term similar to any of the sales denominations established in this Regulation.
4. Sales denominations may be supplemented or replaced by a geographical indication protected under this Regulation.
5. The sales denominations listed in Annex II shall not be supplemented by designations of origin or geographical indications allowed for wine products.

*Article 5*  
*Additional particulars to the sales denominations*

1. The sales denominations referred to in Article 4 may also be supplemented by the following particulars:
  - (a) «extra-dry»: in the case of products with a sugar content of less than 30 grams per litre and, for the category of aromatised wines, a minimum total alcoholic strength by volume of 15 % vol.;
  - (b) «dry»: in the case of products with a sugar content of less than 50 grams per litre and, for the category of aromatised wines, a minimum total alcoholic strength by volume of 16 % vol.;
  - (c) «semi-dry»: in the case of products with a sugar content of between 50 and less than 90 grams per litre;
  - (d) «semi-sweet»: in the case of products with a sugar content of between 90 and less than 130 grams per litre;
  - (e) «sweet»: in the case of products with a sugar content of more than 130 grams per litre.

The sugar content indicated in the first subparagraph is expressed as invert sugar.

The terms «semi-sweet» and «sweet» may be replaced by an indication of the sugar content, expressed in grams of invert sugar per litre.

2. Where the sales denomination of aromatised wine-based drinks is supplemented by the particular «sparkling», the quantity of sparkling wine used must be not less than 95 % of the volume of the wine used.
3. The sales denominations referred to in Article 4 may also be supplemented by a reference to the main flavouring used.

*Article 6*  
*Indication of provenance*

Where the provenance of aromatised wine products is indicated, the provenance shall correspond to the place where the aromatised wine product is produced. The provenance shall be indicated with the words 'produced in (...)', or expressed in equivalent terms, supplemented by the name of the corresponding Member State or third country.

An indication of the place of provenance of the primary ingredient is not required.

*Article 7*  
*Use of language in the presentation and labelling of aromatised wine products*

Sales denominations and additional particulars provided for in this Regulation shall, where expressed in words, appear at least in one or more of the official languages of the Union.

However, the name of the geographical indication protected under this Regulation shall appear on the label in the language or languages in which it is registered, even where the geographical indication replaces the sales denomination in accordance with the Article 4(4).

In case of protected geographical indication using a non-latin alphabet, the name may also appear in one or more official languages of the Union.

*Article 8*  
*Stricter rules decided by Member States*

In applying a quality policy for aromatised wine products with geographical indications protected under this Regulation which are produced on their own territory or for the establishment of new geographical indications, Member States may lay down rules on production and description which are stricter than those referred to in Article 3 and in Annexes I and II in so far as they are compatible with Union law.

*Article 9*  
*Delegated powers*

In order to take into account the specificities of the sector and to address the emergence of new products on the market, the Commission may, by means of delegated acts, update:

- (a) the definitions, the requirements and the restrictions laid down in Annex I,
- (b) the sales denominations and descriptions laid down in Annex II.

## **CHAPTER III**

### **GEOGRAPHICAL INDICATIONS**

#### *Article 10*

#### *Definition*

For the purposes of this Chapter, "geographical indication" means an indication referring to a region, a specific place or a country, used to describe an aromatised wine product where a given quality, reputation or other characteristics of that product is essentially attributable to its geographical origin.

#### *Article 11*

#### *Content of applications for protection*

1. Applications for protection of names as geographical indications shall include a technical file containing:
  - (a) the name to be protected;
  - (b) the name and address of the applicant;
  - (c) a product specification as referred to in paragraph 2; and
  - (d) a single document summarising the product specification referred to in paragraph 2.
  
2. To be eligible for a protected geographical indication, a product shall comply with the corresponding product specification which shall include at least:
  - (a) the name to be protected;
  - (b) a description of the product, in particular its principal analytical characteristics as well as an evaluation or indication of its organoleptic characteristics;
  - (c) where applicable, the particular production processes and specifications as well as the relevant restrictions on making the product;
  - (d) the demarcation of the geographical area concerned;
  - (e) the details bearing out the link referred to in Article 10;
  - (f) applicable requirements laid down in Union or national legislation or, where laid down by Member States, by an organisation which manages the protected geographical indication, having regard to the fact that such requirements shall be objective, and non-discriminatory and compatible with Union law;
  - (g) the name and address of the authorities or bodies verifying compliance with the provisions of the product specification and their specific tasks.

### *Article 12*

#### *Application for protection relating to a geographical area in a third country*

1. Where the application for protection concerns a geographical area in a third country, it shall contain in addition to the elements provided for in Article 11, proof that the name in question is protected in its country of origin.
2. The application shall be sent to the Commission, either directly from the applicant or via the authorities of the third country concerned.
3. The application for protection shall be filed in one of the official languages of the Union or accompanied by a certified translation into one of those languages.

### *Article 13*

#### *Applicants*

1. Any interested group of producers, or in exceptional cases a single producer, may apply for the protection of a geographical indication. Other interested parties may participate in the application.
2. Producers may lodge an application for protection only for aromatised wine products which they produce.
3. In the case of a name designating a trans-border geographical area, a joint application may be lodged.

### *Article 14*

#### *Preliminary national procedure*

1. Applications for protection of a geographical indication of aromatised wine products in accordance with Article 11, originating in the Union shall be subject to a preliminary national procedure in accordance with paragraphs 2 to 7 of this Article.
2. The application for protection shall be filed with the Member State in which territory the geographical indication originates.
3. The Member State shall examine the application for protection in order to verify whether it meets the conditions set out in this Chapter.

The Member State shall, by means of a national procedure, ensure the adequate publication of the application and providing for a period of at least two months from the date of publication within which any natural or legal person having a legitimate interest and resident or established on its territory may object to the proposed protection by lodging a duly substantiated statement with the Member State.

4. If the Member State considers that the geographical indication does not meet the relevant requirements or is incompatible with Union law in general, it shall reject the application.
5. If the Member State considers that the relevant requirements are met, it shall:

- (a) publish the single document and the product specification at least on the Internet; and
- (b) forward to the Commission an application for protection containing the following information:
  - (i) the name and address of the applicant;
  - (ii) the product specification referred in Article 11(2);
  - (iii) the single document referred to in Article 11(1)(d);
  - (iv) a declaration by the Member State that it considers that the application lodged by the applicant meets the conditions required; and
  - (v) the reference to publication, as referred to in point (a).

The information referred to in point (b) of the first subparagraph shall be forwarded in one of the official languages of the Union or accompanied by a certified translation into one of those languages.

- 6. Member States shall adopt the laws, regulations or administrative provisions necessary to comply with this Article by 1<sup>st</sup> December 2012.
- 7. Where a Member State has no national legislation concerning the protection of geographical indications, it may, on a transitional basis only, grant protection to the name in accordance with the terms of this Chapter at national level with effect from the day the application is lodged with the Commission. Such transitional national protection shall cease on the date on which a decision on registration or refusal under this Chapter is taken.

#### *Article 15* *Scrutiny by the Commission*

- 1. The Commission shall make the date of submission of the application for protection of the geographical indication public.
- 2. The Commission shall examine whether the applications for protection referred to in Article 14(5) meet the conditions laid down in this Chapter.
- 3. Where the Commission considers that the conditions laid down in this Chapter are met, it shall, by means of implementing acts without the assistance of the Committee referred to in Article 36, decide to publish in the *Official Journal of the European Union* the single document referred to in Article 11(1)(d) and the reference to the publication of the product specification referred to in Article 14(5).

Where the Commission considers that the conditions laid down in this Chapter are not met, it shall, by means of implementing acts, decide to reject the application.

*Article 16*  
*Objection procedure*

Within two months from the date of publication provided for in the first subparagraph of Article 15(3), any Member State or third country, or any natural or legal person having a legitimate interest, resident or established in a Member State other than that applying for the protection or in a third country, may object to the proposed protection by lodging a duly substantiated statement relating to the conditions of eligibility as laid down in this Chapter with the Commission.

In the case of natural or legal persons resident or established in a third country, such statement shall be lodged, either directly or via the authorities of the third country concerned, within the time limit of two months referred to in the first paragraph.

*Article 17*  
*Decision on protection*

On the basis of the information available to the Commission upon the completion of the objection procedure referred to in article 16, the Commission shall, by means of implementing acts, either decide to confer protection on the geographical indication which meets the conditions laid down in this Chapter and is compatible with Union law, or to reject the application where those conditions are not satisfied.

*Article 18*  
*Homonyms*

1. A name, for which an application is lodged, and which is wholly or partially homonymous with that of a name already registered under this Regulation, shall be registered with due regard for local and traditional usage and for any risk of confusion.
2. A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.
3. The use of a registered homonymous name shall be subject to there being a sufficient distinction in practice between the homonym registered subsequently and the name already on the register, having regard to the need to treat the producers concerned in an equitable manner and the need not to mislead the consumer.

*Article 19*  
*Grounds for refusal of protection*

1. Names that have become generic shall not be protected as a geographical indication.

For the purposes of this Chapter, a "name that has become generic" means the name of an aromatised wine product which, although it relates to the place or the region

where this product was originally produced or marketed, has become the common name of an aromatised wine product in the Union.

To establish whether or not a name has become generic, account shall be taken of all relevant factors, in particular:

- (a) the existing situation in the Union, notably in areas of consumption;
  - (b) the relevant Union or national legislation.
2. A name shall not be protected as a geographical indication where, in the light of a trademark's reputation and renown, protection is liable to mislead the consumer as to the true identity of the aromatised wine product.

#### *Article 20* *Relationship with trademarks*

1. Where a geographical indication is protected under this Regulation, the registration of a trademark corresponding to one of the situations referred to in Article 21(2) and relating to an aromatised wine product shall be refused if the application for registration of the trademark is submitted after the date of submission of the application for protection of the geographical indication to the Commission and the geographical indication is subsequently protected.

Trademarks registered in breach of the first subparagraph shall be invalidated.

2. Without prejudice to Article 18(2), a trademark the use of which corresponds to one of the situations referred to in Article 21(2), which has been applied for, registered or established by use, if that possibility is provided for by the legislation concerned, in the territory of the Union before the date on which the application for protection of the geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the protection of a geographical indication, provided that no grounds for the trademark's invalidity or revocation exist as specified by the Directive 2008/95/EC of the European Parliament of the Council<sup>12</sup> or by Council Regulation (EC) No 207/2009<sup>13</sup>.

In such cases the use of the geographical indication shall be permitted alongside the relevant trademarks.

#### *Article 21* *Protection*

1. Protected geographical indications may be used by any operator marketing an aromatised wine product which has been produced in conformity with the corresponding product specification.

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<sup>12</sup> OJ L 229, 8.11.2009, p. 25.

<sup>13</sup> OJ L 78, 24.3.2009, p. 1.

2. Protected geographical indications and the aromatised wine products using those protected names in conformity with the product specification shall be protected against:
  - (a) any direct or indirect commercial use of a protected name:
    - (i) by comparable products not complying with the product specification of the protected name; or
    - (ii) in so far as such use exploits the reputation of a geographical indication;
  - (b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "like" or similar;
  - (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the wine product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
  - (d) any other practice liable to mislead the consumer as to the true origin of the product.
3. Protected geographical indications shall not become generic in the Union within the meaning of Article 19(1).
4. Member States shall take the appropriate administrative and judicial steps to prevent or to stop unlawful use of protected geographical indications as referred to in paragraph 2.

*Article 22*  
*Register*

The Commission shall establish and maintain an electronic register of protected geographical indications for aromatised wine products which shall be publicly accessible.

Geographical indications pertaining to products of third countries that are protected in the Union pursuant to an international agreement to which the Union is a contracting party may be entered in the register referred to in the first paragraph as protected geographical indications.

*Article 23*  
*Designation of competent authority*

1. Member States shall designate the competent authority or authorities responsible for checks in respect of the obligations established by this Chapter in accordance with

the criteria laid down in Article 4 of Regulation (EC) No 882/2004 of the European Parliament and of the Council<sup>14</sup>.

2. Member States shall ensure that any operator complying with this Chapter is entitled to be covered by a system of checks.
3. Member States shall inform the Commission of the competent authority or authorities referred to in paragraph 1. The Commission shall make their names and addresses public and update them periodically.

*Article 24*  
*Verification of compliance with specifications*

1. In respect of protected geographical indications relating to a geographical area within the Union, annual verification of compliance with the product specification, during the production and during or after conditioning of the aromatised wine product, shall be ensured by:
  - (a) the competent authority or authorities referred to in Article 23; or
  - (b) one or more bodies responsible for the verification within the meaning of point 5 of the second subparagraph of Article 2 of Regulation (EC) No 882/2004 operating as a product certification body in accordance with the criteria laid down in Article 5 of that Regulation.

The costs of such verification shall be borne by the operators subject to it.

2. In respect of protected geographical indications relating to a geographical area in a third country, annual verification of compliance with the product specification, during the production and during or after conditioning of the aromatised wine product, shall be ensured by:
  - (a) one or more public authorities designated by the third country; or
  - (b) one or more certification bodies.
3. The certification bodies referred to in paragraphs 1(b) and 2(b) shall comply with, and be accredited in accordance with, the European standard EN 45011 or ISO/IEC Guide 65 (General requirements for bodies operating product certification systems).
4. Where the authority or authorities referred to in paragraphs 1(a) and 2(a) verify compliance with the product specification, they shall offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources needed to carry out their tasks.

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<sup>14</sup> OJ L 165, 30.4.2004, p. 1.

*Article 25*  
*Amendments to product specifications*

1. An applicant satisfying the conditions of Article 13 may apply for approval of an amendment to the product specification of a protected geographical indication, in particular to take account of developments in scientific and technical knowledge or to redefine the geographical area referred to in point (d) of the second subparagraph of Article 11(2). Applications shall describe and give reasons for the amendments requested.
2. Where the proposed amendment involves one or more amendments to the single document referred to in Article 11(1)(d), Articles 14 to 17 shall apply *mutatis mutandis* to the amendment application. However, if the proposed amendment is only minor, the Commission shall, by means of implementing acts, decide whether to approve the application without following the procedure laid down in Article 15(2) and Article 16 and in the case of approval, the Commission shall proceed to the publication of the elements referred to in Article 15(3).
3. Where the proposed amendment does not involve any change to the single document, the following rules shall apply:
  - (a) where the geographical area is in a given Member State, that Member State shall express its position on the amendment and, if it is in favour, shall publish the amended product specification and inform the Commission of the amendments approved and the reasons for them;
  - (b) where the geographical area is in a third country, the Commission shall, by means of implementing acts, decide whether to approve the proposed amendment.

*Article 26*  
*Cancellation*

The Commission may, at its own initiative or at the duly substantiated request of a Member State, of a third country or of a natural or legal person having a legitimate interest, decide, by means of implementing acts, to cancel the protection of a geographical indication if compliance with the corresponding product specification is no longer ensured.

Articles 14 to 17 shall apply *mutatis mutandis*.

*Article 27*  
*Existing protected geographical designations*

1. Geographical designations of aromatised wine products listed in Annex II of Regulation (EEC) No 1601/1991, shall automatically be protected as geographical indications under this Regulation. The Commission shall list them in the register provided for in Article 22 of this Regulation.
2. Member States shall, in respect of existing protected geographical designations referred to in paragraph 1, transmit to the Commission:

- (a) the technical files as provided for in Article 11(1);
  - (b) the national decisions of approval.
3. Existing geographical designations referred to in paragraph 1, for which the information referred to in paragraph 2 is not submitted by [2 years after entry into force], shall lose protection under this Regulation. The Commission shall, by means of implementing acts without the assistance of the Committee referred to in Article 36, take the corresponding formal step of removing such names from the register provided for in Article 22.
  4. Article 26 shall not apply in respect of existing protected geographical designations referred to in paragraph 1 of this Article.

Until [3 years after entry into force] the Commission, by means of implementing acts, may, at its own initiative, decide to cancel protection of existing protected geographical designations referred to in paragraph 1 if they do not comply with Article 10.

#### *Article 28* *Fees*

Member States may charge a fee to cover their costs, including those incurred in examining applications for protection, statements of objections, applications for amendments and requests for cancellations under this Chapter.

#### *Article 29* *Delegated powers*

1. In order to take account of the specificities of the production in the demarcated geographical area, the Commission may, by means of delegated acts, adopt:
  - (a) principles for the demarcation of the geographical area, and
  - (b) definitions, restrictions and derogations related to the production in the demarcated geographical area.
2. In order to ensure product quality and traceability, the Commission may, by means of delegated acts, provide for the conditions under which product specifications may include additional requirements as referred to in Article 11 (2)(f).
3. In order to ensure the rights or legitimate interests of producers or operators, the Commission may, by means of delegated acts:
  - (a) define in which cases a single producer may apply for the protection of a geographical indication;
  - (b) adopt restrictions as regards the type of applicant that may apply for the protection of a geographical indication;

- (c) adopt specific measures related to the national procedures applicable to trans-border applications;
  - (d) define the date of submission of an application or a request;
  - (e) define the date from which protection shall run;
  - (f) establish the conditions under which an amendment is to be considered as minor as referred to in Article 25(2);
  - (g) define the date on which an amendment shall enter into force.
4. In order to ensure an adequate protection, the Commission may, by means of delegated acts, adopt restrictions regarding the protected name.
  5. In order to prevent the unlawful use of geographical indications, the Commission may, by means of delegated acts, define the actions to be implemented by the Member States in this respect.
  6. In order to ensure the efficiency of the checks provided for in this Chapter, the Commission may, by means of delegated acts, adopt the necessary measures regarding the notification of operators to the competent authorities.

*Article 30*  
*Implementing powers*

1. The Commission may, by means of implementing acts, adopt all necessary measures related to this Chapter regarding:
  - (a) the information to be provided in the product specification with regard to the link between the geographical area and the final product;
  - (b) the making of decisions on protection or rejection available to the public;
  - (c) the establishment and the maintenance of the register referred to in Article 22;
  - (e) the submission of trans-border applications;
  - (f) checks and verification to be carried out by the Member States, including testing.
2. The Commission may, by means of implementing acts, adopt all necessary measures related to this Chapter as regards the procedure, including admissibility, for the examination of applications for protection or for the approval of an amendment of a geographical indication, as well as the procedure, including admissibility, for requests for objection, cancellation, or conversion, and the submission of information related to existing protected geographical designations, in particular with respect to:
  - (a) models for documents and the transmission format;
  - (b) time limits;

- (c) the details of the facts, evidence and supporting documents to be submitted in support of the application or request.

*Article 31*

*Implementing acts to be adopted without the assistance of the Committee referred to in Article 36*

Where an application or a request submitted under this Chapter is deemed inadmissible, the Commission shall, by means of implementing acts without the assistance of the Committee referred to in Article 36, decide to reject it as inadmissible.

## **CHAPTER IV GENERAL, TRANSITIONAL AND FINAL PROVISIONS**

*Article 32*

*Checks and verification of aromatised wine products*

1. Member States shall be responsible for the checks of aromatised wine products. They shall take the measures necessary to ensure compliance with the provisions of this Regulation and in particular they shall designate the competent authority or authorities responsible for checks in respect of the obligations established by this Regulation in accordance with Regulation (EC) No 882/2004.
2. The Commission in consultation with the Member States shall ensure the uniform application of this Regulation and when necessary shall, by means of implementing acts, adopt the rules concerning administrative and physical checks to be conducted by the Member States with regard to the respect of obligations resulting from the application of this Regulation.

*Article 33*

*Exchange of information*

1. Member States and the Commission shall notify each other of any information necessary for the application of this Regulation and for complying with the international obligations concerning the aromatised wine products. That information may, where appropriate, be transmitted or made available to the competent authorities of third countries and may be made public.
2. In order to make notifications referred to in paragraph 1 fast, efficient, accurate, and cost effective the Commission shall, by means of delegated acts, lay down:
  - (a) the nature and type of the information to be notified
  - (b) the methods of notification;

- (c) the rules related to the access rights to the information or information systems made available;
  - (d) the conditions and means of publication of the information.
3. The Commission shall, by means of implementing acts, adopt:
- (a) rules on providing the information necessary for the application of this Article;
  - (b) arrangements for the management of the information to be notified, as well as rules on content, form, timing, frequency and deadlines of the notifications;
  - (c) arrangements for transmitting or making information and documents available to the Member States, the competent authorities in third countries, or the public.

*Article 34*  
*Commission powers*

When powers are granted to the Commission to adopt delegated acts, Article 35 shall apply.

When powers are granted to the Commission to adopt implementing acts, it shall act in accordance with with the procedure referred to in Article 36(2), save as explicitly provided otherwise in this Regulation.

*Article 35*  
*Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in this Regulation may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication in the *Official Journal of the European Union*. It shall not affect the validity of the delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or the Council.

*Article 36*  
*Implementing acts - committee*

1. The Commission shall be assisted by the Committee on aromatised wine products. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 37*  
*Repeal*

Regulation (EEC) No 1601/91 is hereby repealed as from [*date of application = 1 year after the entry into force*].

References made to the repealed Regulation shall be construed as references to this Regulation and be read in accordance with the correlation table set out in Annex IV to this Regulation.

*Article 38*  
*Transitional measures*

1. In order to facilitate the transition from the rules provided for in Regulation (EEC) No 1601/91 to those established by this Regulation, the Commission, where appropriate, may, by means of delegated acts, adopt measures to amend or derogate from this Regulation, by [*3 years after entry into force*].
2. Aromatised wine products not meeting the requirements of this Regulation but which have been produced in accordance with Regulation (EEC) No 1601/91 prior to [*date of application of this Regulation*] may be marketed until stocks are exhausted.

*Article 39*  
*Entry into force*

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply [*1 year after entry into force, a precise date should be filled in when Regulation will be published*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX I

### TECHNICAL DEFINITIONS, REQUIREMENTS AND RESTRICTIONS

#### (1) Flavouring

The following products are authorised for the flavouring of aromatised wines:

- (a) natural flavouring substances and/or flavouring preparations as defined in Article 3(2) (c) and (d) of Regulation (EC) No 1334/2008 ;
- (b) flavouring substances:
  - identical to vanillin,
  - which smell and/or taste of almonds,
  - which smell and/or taste of apricots,
  - which smell and/or taste of eggs, and/or
- (c) aromatic herbs and/or spices and/or flavouring foodstuffs,

The following products are authorised for the flavouring of aromatised wine-based drinks and aromatised wine-product cocktails:

- (a) flavouring substances and/or flavouring preparations as defined in Article 3(2) (b) and (d) of Regulation (EC) No 1334/2008, and/or;
- (b) aromatic herbs and/or spices and/or flavouring foodstuffs.

#### (2) Sweetening

Aromatised wine products may be sweetened using one or more of the following products:

- (a) semi-white sugar, white sugar, extra-white sugar, dextrose, fructose, glucose syrup, sugar solution, invert sugar solution, invert sugar syrup, as defined in Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption<sup>15</sup>;
- (b) rectified concentrated grape must, concentrated grape must, grape must;
- (c) burned sugar, which is the product obtained exclusively from the controlled heating of sucrose without bases, mineral acids or other chemical additives;
- (d) honey as defined in Council Directive 2001/110/EC of 20 December 2001 relating to honey<sup>16</sup>;
- (e) carob syrup;

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<sup>15</sup> OJ L 10, 12.1.2002, p. 53.

<sup>16</sup> OJ L 10, 12.1.2002, p. 47.

- (f) any other natural carbohydrate substances having a similar effect to those products.

(3) Addition of alcohol

One or more of the following products may be used in the preparation of some aromatised wines and, some aromatised wine-based drinks:

- (a) ethyl alcohol of viticultural origin,
- (b) wine alcohol or dried grape alcohol,
- (c) ethyl alcohol of agricultural origin,
- (d) wine distillate or dried grape distillate,
- (e) distillate of agricultural origin,
- (f) wine spirit or grape-marc spirit,
- (g) dried grape spirit,

The products listed in the first subparagraph must comply with the characteristics laid down by in Union legislation. In particular, ethyl alcohol of agricultural origin must possess the following characteristics:

- (a) organoleptic characteristics: no detectable taste other than that of the raw material;
- (b) minimum alcoholic strength by volume: 96 %;
- (c) maximum level of residues:
  - (i) total acidity, expressed in grams of acetic acid per hectolitre of 100 % vol. alcohol: 1,5,
  - (ii) esters expressed in grams of ethyl acetate per hectolitre of 100 % vol. alcohol: 1,3,
  - (iii) aldehydes expressed in grams of acetaldehyde per hectolitre of 100 % vol. alcohol: 0,5,
  - (iv) higher alcohols expressed in grams of methyl<sup>2</sup> propanol<sup>1</sup> per hectolitre of 100 % vol. alcohol: 0,5,
  - (v) methanol expressed in grams per hectolitre of 100 % vol. alcohol: 30,
  - (vi) dry extract expressed in grams per hectolitre of 100 % vol. alcohol: 1,5,
  - (vii) volatile bases containing nitrogen expressed in grams of nitrogen per hectolitre of 100 % vol. alcohol: 0,1,
  - (viii) furfural: not detectable.

The ethyl alcohol used to dilute or dissolve colorants, flavourings or any other authorised additives used in the preparation of aromatised wine products shall be used in the dose strictly necessary and is not considered as addition of alcohol for the purpose of production of an aromatised wine product.

(4) Additives and colouring

The rules on food additives, including colours, laid down in Regulation (EC) No 1333/2008 shall apply to aromatised wine products.

(5) Addition of water

For the preparation of aromatised wine products, the addition of water shall be authorised provided that it is used in the dose strictly necessary to prepare flavouring essence, to dissolve colorants and sweeteners and/or to adjust the final composition of the product.

The quality of the water added has to be in conformity with Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters<sup>17</sup> and Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption<sup>18</sup>, and it should not change the nature of the product.

This water may be distilled, demineralised, permuted or softened.

(6) For the preparation of aromatised wine products, addition of carbon dioxide shall be authorised.

(7) Alcoholic strength by volume

"Alcoholic strength by volume" means the ratio of the volume of pure alcohol present in the product in question at 20°C to the total volume of that product at the same temperature.

"Actual alcoholic strength by volume" means the number of volumes of pure alcohol at 20° C contained in 100 volumes of the product at the same temperature.

"Potential alcoholic strength by volume" means the number of volumes of pure alcohol at 20 °C which would be produced by total fermentation of the sugar contained in 100 volumes of the product at the same temperature;

"Total alcoholic strength by volume" means the sum of the actual and potential alcoholic strengths by volume.

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<sup>17</sup> OJ L 229, 30.8.1980, p. 1.

<sup>18</sup> OJ L 330, 5.12.1998, p. 32.

## ANNEX II

### SALES DENOMINATIONS AND DESCRIPTIONS OF AROMATISED WINE PRODUCTS

#### **A. SALES DENOMINATIONS AND DESCRIPTIONS OF AROMATISED WINES**

(1) *Aromatised wine:*

Aromatized wine to which no alcohol has been added.

(2) *Aromatised fortified wine:*

Aromatised wine to which alcohol has been added.

(3) *Wine-based aperitif:*

Aromatised wine to which alcohol may have been added.

The use of the term "aperitif" in this connection is without prejudice to its use to define products which do not fall within the scope of this Regulation.

(4) *Vermouth:*

Aromatised wine:

- to which alcohol has been added,
- whose characteristic taste has been obtained by the use of appropriate substances of *Artemisia* species and,
- which may have been sweetened only by means of caramelized sugar, sucrose, grape must, rectified concentrated grape must and concentrated grape must.

(5) *Bitter aromatised wines:*

Aromatised wine to which alcohol is added and with a characteristic bitter flavour.

The description «bitter aromatised wine» shall be followed by the name of the main bitter-flavouring substance. The following expressions, or equivalent expressions in other official languages of the Union, may be used to supplement or replace this description:

- «*Quinquina wine*», whose main flavouring is natural quinine flavouring,
- «*Bitter vino*», whose main flavouring is natural gentian flavouring and which has been coloured with authorized yellow and/or red colouring matter; the use of the word «bitter» in this connection shall be without prejudice to its use to define products which do not fall within the scope of this regulation,

- «*Americano*», where the flavouring is due to the presence of natural flavouring substances derived from wormwood and gentian and which has been coloured with authorized yellow and/or red colouring matter.

(6) *Egg-based aromatised wine:*

Aromatised wine:

- to which alcohol has been added
- to which good-quality egg yolk or extracts thereof have been added and,
- which has a sugar content expressed in terms of invert sugar of more than 200 grams and a minimum egg yolk content of 10 grams per litre of finished product.

The term «*cremovo*» may accompany the term «egg-based aromatised wine» where such wine contains Marsala wine in a proportion of not less than 80 %.

The term «*cremovo zabaione*» may accompany the term «egg-based aromatised wine» where such wine contains Marsala wine in a proportion of not less than 80 % and has an egg yolk content of not less than 60 grams per litre.

(7) *Väkevä viiniglögi Starkvinsglögg*

An aromatised wine:

- to which alcohol has been added and,
- whose characteristic taste has been obtained by the use of cloves and/or cinnamon.

**B. SALES DENOMINATIONS AND DESCRIPTIONS OF AROMATISED WINE BASED DRINKS**

(1) *Aromatized wine-based drink*

Aromatized wine-based drink to which no alcohol has been added.

(2) *Aromatised fortified wine-based drink*

Aromatised wine-based drink

- to which alcohol has been added
- which has been sweetened,
- which is obtained from white wine,
- to which dried grape distillate has been added and,
- which has been flavoured exclusively by cardamom extract;
- or
- to which alcohol has been added,
- which has been sweetened,
- which is obtained from red wine and,
- to which flavouring preparations obtained exclusively from spices, ginseng, nuts, citrus fruit essences and aromatic herbs, have been added.

(3) *Sangria:*

Aromatised wine-based drink

- which is obtained from wine,
- which is aromatised with the addition of natural citrus-fruit extracts or essences, with or without the juice of such fruit,
- to which spices may have been added,
- to which CO<sub>2</sub> may have been added,
- to which no alcohol has been added
- which has not been coloured,
- which have an actual alcoholic strength by volume of not less than 4,5% vol., and less than 12 % vol. and,
- which may contain solid particles of citrus-fruit pulp or peel and its colour must come exclusively from the raw materials used.

The description 'Sangria' must be accompanied by the words 'produced in ...' followed by the name of the Member State of production or of a more restricted region except where the product is produced in Spain or Portugal.

The description 'Sangria' may replace the description 'aromatised wine-based drink' only where the drink is manufactured in Spain or Portugal.

(4) *Clarea*:

Aromatised wine-based drink, which is obtained from white wine under the same conditions as for Sangria.

The description «*Clarea*» must be accompanied by the words «produced in ...» followed by the name of the Member State of production or of a more restricted region except where the product is produced in Spain.

The description «*Clarea*» may replace the description «aromatised wine-based drink» only where the drink is manufactured in Spain.

(5) *Zurra*:

Aromatised wine-based drink obtained by adding brandy or wine spirit as defined in Regulation (EC) No 110/2008 to *Sangria* and *Clarea*, possibly with the addition of pieces of fruit. The actual alcoholic strength by volume must be not less than 9 % vol. and less than 14 % vol.

(6) *Bitter soda*:

Aromatised wine-based drink

- which is obtained from "*bitter vino*" the content of which in the finished product must not be less than 50 % by volume,
- to which CO<sub>2</sub> or carbonated water has been added and,
- which has an actual alcoholic strength by volume of not less than 8 % vol., and less than 10,5 % vol..
- The use of the word «bitter» in this context shall be without prejudice to its use to define products which do not fall within the scope of this Regulation;

(7) *Kalte Ente*:

Aromatised wine-based drink

- which is obtained by mixing wine, semi-sparkling wine or sparkling wine with added CO<sub>2</sub> with sparkling wine or sparkling wine with added CO<sub>2</sub>,
- to which natural lemon substances or extracts thereof has been added,
- to which no alcohol has been added,
- which has an actual alcoholic strength by volume of not less than 7 % vol..
- The finished product must contain not less than 25 % by volume of the sparkling wine or sparkling wine with added CO<sub>2</sub>.

(8) *Glühwein*:

Aromatised wine-based drink

- which is obtained exclusively from red or white wine,
- which is flavoured mainly with cinnamon and/or cloves,
- to which no alcohol has been added
- which has an actual alcoholic strength by volume of not less than 7 % vol..

Without prejudice to the quantities of water resulting from recourse to Annex I (5), the addition of water is forbidden.

Where it has been prepared from white wine, the sales denomination «*Glühwein*» must be supplemented by the words «*white wine*»;

(9) *ViiniglögiVinglökk*

Aromatised wine-based drink

- which is obtained exclusively from red or white wine,
- which is flavoured mainly with cinnamon and/or cloves,
- to which no alcohol has been added,
- which has an actual alcoholic strength by volume of not less than 7 % vol..

Where it has been prepared from white wine, the sales denomination «*ViiniglögiVinglökk*» must be supplemented by the words «white wine».

(10) *Maiwein*:

Aromatised wine-based drink

- which is obtained from wine in which *Asperula odorata* L. plants or extracts thereof has been added so as to ensure a predominant taste of *Asperula odorata* L.,
- to which no alcohol has been added,
- which has an actual alcoholic strength by volume of not less than 7 % vol..

(11) *Maitrank*:

Aromatised wine-based drink

- which is obtained from white wine in which *Asperula odorata* L. plants have been macerated or to which extracts of *Asperula odorata* L. have been added with the addition of oranges and/or other fruits, possibly in the form of juice, concentrated or extracts, and with maximum 5 % sugar sweetening,
- to which no alcohol has been added,

- which has an actual alcoholic strength by volume of not less than 7 % vol..

(12) *Pelin:*

Aromatised wine-based drink

- which is obtained from red or white wine, grape must concentrate, grape juice (or beet sugar) and specific mixture of herbs,
- to which no alcohol has been added,
- which has an actual alcoholic strength by volume of not less than 8.5 % vol. and,
- which has a sugar content expressed as invert sugar of 45-50 grams per litre, and a total acidity of not less than 3 grams per litre expressed as tartaric acid.

### **C. SALES DENOMINATIONS AND DESCRIPTIONS OF AROMATISED WINE-PRODUCT COCKTAILS**

(1) *Aromatised wine-product cocktail*

Product complying with the definition set out in Article 2(4).

The use of the term «cocktail» in this connection is without prejudice to its use to define products which do not fall within the scope of this Regulation.

(2) *Wine-based cocktail:*

Aromatised wine-product cocktail

- in which the proportion of concentrated grape must does not exceed 10 % of the total volume of the finished product,
- which has an actual alcoholic strength by volume less than 7 % vol. and,
- in which the sugar content, expressed as invert sugar, is less than 80 grams per litre.

(3) *Aromatised semi-sparkling grape-based cocktail:*

Aromatised wine-product cocktail

- which is obtained exclusively from grape must,
- which has an actual alcoholic strength by volume less than 4 % vol. and,
- which contains carbon dioxide obtained exclusively from fermentation of the products used.

(4) *Wine cocktail:*

Aromatised wine-product cocktail, which is mixed with sparkling wine.

### ANNEX III

#### CORRELATION TABLE

Regulation (EEC) No 1601/91	This Regulation
Article 1	Article 1
Article 2(1) to (4)	Article 2 and Annexe II
Article 2(5)	Article 5(1)
Article 2(6)	Article 5(2)
Article 2(7)	Articles 9 and 35
Article 3	Article 3(1) and Annex I
Article 4	Article 3(1) and Annex I
Article 4(4)	Article 3(3)
Article 5	Article 3(2)
Article 6(1)	Article 4(1) and (2)
Article 6(2)a)	Article 4(4)
Article 6(2)b)	Article 21
Article 6(3)	Article 4(5)
Article 6(4)	Article 8
Article 7(1) and (3)	–
Article 7(2)	Article 4(3)
Article 8(1)	–
Article 8(2)	Article 4(1) and (2)
Article 8(3)	Article 5(3)
–	Article 6
Article 8(4), first and second paragraphs	–
Article 8(4) third paragraph	Annex I (3), third paragraph
Article 8(4a)	–

Article 8(5) to (8)	Article 7
Article 8(9)	–
Article 9	Article 32
Article 10	Article 12
Article 10a	Articles 10 to 31
Article 11	–
Articles 12 to 15	Articles 33 to 35
–	Article 36
Article 16	Article 37
Article 17	Article 38
Annex I	Annex I (3) second paragraph
Annex II	/

<b>FINANCIAL STATEMENT</b>		Fiche Fin /11/465131 RVDE/cc 6.10.2011.1		
		DATE: 14/04/2011		
1.	BUDGET HEADING: 05 02 09	APPROPRIATIONS: 1143.7 mio €		
2.	TITLE: Proposal for a Regulation of the European Parliament and of the Council of XXX on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products.			
3.	LEGAL BASIS: Art . 43(2) and art 114 of the Treaty			
4.	AIMS: To establish a juridical framework for the definition and presentation of aromatised wine products.			
5.	FINANCIAL IMPLICATIONS	12 MONTH PERIOD (EUR million)	CURRENT FINANCIAL YEAR 2011 (EUR million)	FOLLOWING FINANCIAL YEAR 2012 (EUR million)
5.0	EXPENDITURE	-	-	-
	- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS)			
	- NATIONAL AUTHORITIES			
	- OTHER			
5.1	REVENUE	-	-	-
	- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)			
	- NATIONAL			
		2013	2014	2015
5.0.1	ESTIMATED EXPENDITURE	-	-	-
5.1.1	ESTIMATED REVENUE	-	-	-
5.2	METHOD OF CALCULATION: -			
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?			YES <del>NO</del>
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?			<del>YES</del> NO
6.2	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?			<del>YES</del> NO
6.3	WILL APPROPRIATIONS NEED TO BE ENTERED IN FUTURE BUDGETS?			<del>YES</del> NO
OBSERVATIONS : The present regulation has no budgetary implications.				